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S.N. 10/616,038

REMARKS

The Applicants have carefully reviewed and considered the Office Action of 3 July 2006. In response the Applicants amend independent claims 1 and 8 so as to more clearly distinguish these claims from the prior art. These amendments were not previously made as the applicants felt the original language and arguments clearly supported the patentability of the claims. The new language merely emphasizes distinctions already present in the original claims and argued by the applicants and therefore does not raise new issues. Accordingly, it is appropriate to be considered at this time. Additionally, the cancellation of claims 13 and 14 removes issues and as such should also be entered and made of record.

As amended, claim 1 provides that the dirt container connected to the housing has a side wall including a collection chamber and a combined handle and inlet flow passageway spaced from the side wall. Similarly, independent claim 8 refers to a dirt container comprising a housing having a side wall and a combined handle and inlet flow passageway spaced from that side wall. Support for this amendment is found throughout the specification including, for example, the first paragraph of page seven and is illustrated clearly in Figure 3.

Even assuming that the inlet flow passageway 46 is Stevens et al. functions as a handle as suggested by the Examiner (and this is a point with which the Applicant's strongly disagree), the inlet flow passageway 46 is not spaced from the side wall so as to form a handle as set forth in independent claims 1 and 8.


In summary, the primary reference to Stevens, et al. fails to disclose a combined handle and inlet flow passageway spaced from the sidewall as claimed and, accordingly, claims 1-5 and 8-10 patentably distinguish over this art and should be allowed. Similarly, claims 6, 7, 11 and 12 are also patentable since the secondary references to Rockwell, et al. and Conrad, et al. fail to provide the missing teaching of the primary reference.

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Accordingly, all the pending claims in the application patentably distinguish over the art and should be allowed. Upon careful review and consideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

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